IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.58 OF 2007

Macleod McCombe (Produce) Limited ...Applicant

vs.

Nandani Bhajipala and others ...Respondents

WITH

MISCELLANEOUS CIVIL APPLICATION NO.59 OF 2007

BDO Stoy Hayward LLP ...Applicant

vs.

Nandani Bhajipala and others ...Respondents

Mr.Birendra Saraf i/b Mr.Y.N.Adhia for both the Applicants

CORAM: A.S.OKA,J.
DATE : JUNE 8, 2007.

P.C.:

1. These Applications can be disposed of by a common order. In both these Applications filed under section 24 of the Code of Civil Procedure,1908, a prayer has been made for transfer of the proceedings of a suit pending in the Court of Civil Judge at Jaysingpur, District Kolhapur to this court. The ground on which the transfer is sought is that interim Applications in the suits are not being decided by the Trial Court. The prayer in the Applications is for transfer of the suits to the original side of this Court.

2. After having heard the learned Counsel for the Applicants, I find there is no merit in the prayer made in the Applications. The suits cannot be transferred because the

Applications made therein are not expeditiously decided. The concerned Court is not dealing with only the suits filed by the Applicants in these Applications. In all the civil courts in Maharashtra there are large number of suits pending. Failure of the Trial Court to decide the interim Applications expeditiously is no ground to transfer the suits. In the alternative, the prayer is made for giving direction to the Trial Court for expeditious disposal of the suits. Such prayer cannot be entertained. In case, there are extraordinary circumstances warranting expeditious disposal of the suits, it is always open for the Applicants to apply for expeditious disposal of the suits before the Trial Court.

3. There is one more reason why the prayer deserves to be rejected. The prayer made by the Applicants is for transfer of the suits to the original side of this Court. Judicial notice can be taken of the fact that pendency of the suits in this Court is far more than the pendency of the suits in the court in which the suits in question are pending. Both these Applications are totally misconceived and the same are rejected.

JUDGE